



SO ORDERED.

SIGNED this 18 day of October, 2013.

A handwritten signature in black ink, appearing to read "A. Thomas Small".

A. Thomas Small
United States Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

WM SIX FORKS, LLC,
DEBTOR.

CASE NO. 12-05854-8-ATS

WM SIX FORKS, LLC,
PLANTIFF,

v.

ADVERSARY PROCEEDING
NO. 13-00151-8-ATS

LINDA LAGANAS,
DEFENDANT.

ORDER DENYING DEFENDANT'S MOTION TO EXTEND TIME TO PAY FEE AND
REMANDING CASE TO STATE COURT

The matter before the court is the defendant's request for an extension of time for payment of the fee in connection with the removal of the action to this court.

On September 13, 2013, WM Six Forks, LLC, a chapter 11 debtor with a confirmed plan, commenced a summary ejectment

action in Wake County Civil District Court against Linda Laganas. That same day, the defendant filed a notice of removal giving notice that the case was removed to this court. A filing fee of \$293 is required, but it was not paid with the notice of removal. Counsel for the defendant was notified that the fee was not paid and was given until September 23, 2013, to make the payment. On September 23, 2013, instead of paying the fee, the defendant filed a motion for an extension of time in which to pay the \$293 fee. In her motion, the defendant requested a seven day extension on the grounds that her funds with which to pay the fee are limited and the plaintiff has informed her that it intends to dismiss the action. Seven days have passed and the defendant has not paid the fee.

The defendant's request for an extension of time in which to pay the filing fee is **DENIED**. The defendant has failed to pay the fee and the court will assume that she no longer desires the removal of the case to this court. Accordingly, the case will be remanded to state court. In the event that the fee has already been paid but not yet been recorded by the clerk's office, a hearing shall be scheduled as to why the state court small claims action should not be remanded to state court.

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